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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,307	12/19/2003	Jameel Ahmad	104990/143786	4361

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EXAMINER

LOFDAHL, JORDAN M

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/741,307

Applicant(s)

AHMAD, JAMEEL

Examiner

Jordan Lofdahl

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

The device, as modified, of Graham as described below, has a mesh structure that extends throughout the entire fill material that has all the limitations of the instant invention. Since, the device, as modified, has all the structural limitations as the instant invention, it is capable of containing exploding and flying concrete aggregate material that is shattered by shock waves of a bomb blast.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. It is mere allegation that the support member of Phillips would shatter under a blast load.

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (5248122).

As to claim 1, Graham discloses a mesh structure (30) having an outer and inner surface, wherein the inner surface defines an annular space (fig. 1); a concrete fill material which resides within the annular space (read as the portion of concrete inside the annular space) of the mesh structure and within the mesh structure; at least one reinforcement member (the mesh structure which extends from end to end in the middle of the concrete slab) which resides within the concrete fill and a concrete face material (the exterior surface of the concrete slab) which resides upon the outer surface of the mesh structure. Not disclosed is the mesh structure extending throughout the entire fill material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the mesh structure extending throughout the entire fill material to create a wall that can withstand larger loads (col. 3, lines 57-61).

As to claim 2, disclosed are a plurality of interconnected steel wires (33, 34, 35, 36 and 37).

As to claim 3, disclosed are 12 gauge wires (col. 4, lines 1-5).

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As to claim 4, disclosed variations of the unit cell dimensions (col. 4, lines 1-4). Not disclosed are the mesh unit cells having a width and length in the range of about 0.75 to 1.75 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the unit cell dimensions having a width and length in the range of about 0.75 to 1.75 inches; since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

As to claim 5, disclosed is a concrete face material.

As to claim 6, disclosed is a steel reinforcement bar (33).

As to claim 7, disclosed are a plurality of reinforcement members (33 and 34).

As to claim 8, disclosed is a structure that is capable of deflecting.

As to claim 9, disclosed is a device with same claim limitations as the instant invention. Therefore, it would be capable of deflecting 25% or less of the length of the structure.

As to claim 10, disclosed is the structure capable of being a wall (col. 6, lines 16 and 17).

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Claims 11-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (5248122) and further in view of Phillips (5335472).

As to claim 11, Graham discloses a mesh structure (30) having an outer and inner surface, wherein the inner surface defines an annular space (fig. 1); a concrete fill material which resides within the annular space (read as the portion of concrete inside the annular space) of the mesh structure and within the mesh structure; at least one reinforcement member (the mesh structure which extends from end to end in the middle of the concrete slab) which resides within the concrete fill and a concrete face material (the exterior surface of the concrete slab) which resides upon the outer surface of the mesh structure. Not disclosed is the mesh structure extending throughout the entire fill material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the mesh structure extending throughout the entire fill material to create a wall that can withstand larger loads (col. 3, lines 57-61). Not disclosed are a plurality of support members. Phillips, however, discloses a plurality of support members (54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the device of Graham with the support members, as taught by Phillips, to create a wall connecting means to create a building.

As to claim 12, disclosed are a plurality of interconnected steel wires (33, 34, 35, 36 and 37).

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As to claim 13, disclosed are 12 gauge wires (col. 4, lines 1-5).

As to claim 14, disclosed variations of the unit cell dimensions (col. 4, lines 1-4). Not disclosed are the mesh unit cells having a width and length in the range of about 0.75 to 1.75 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the unit cell dimensions having a width and length in the range of about 0.75 to 1.75 inches; since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

As to claims 15 and 26, disclosed is a concrete face material.

As to claim 16, disclosed is a steel reinforcement bar (33).

As to claim 17, disclosed are a plurality of reinforcement members (33 and 34).

As to claim 18, disclosed is a structure that is capable of deflecting.

As to claim 19, disclosed is a device with same claim limitations as the instant invention. Therefore, it would be capable of deflecting 25% or less of the length of the structure.

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As to claim 20, disclosed is the structure capable of being a wall (col. 6, lines 16 and 17).

As to claim 21, disclosed is a mesh structure (53).

As to claim 22, disclosed are a plurality of interconnected steel wires (53).

As to claim 23, it is inherent that the wires are selected from the standard group consisting of 8, 10, 12 or 16 gage.

As to claim 24, disclosed is a device, as modified, comprising variations of the unit cell dimensions (col. 4, lines 1-4). Not disclosed are the mesh unit cells having a width and length in the range of about 0.75 to 1.75 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to comprise the unit cell dimensions having a width and length in the range of about 0.75 to 1.75 inches; since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

As to claim 25, disclosed is the support members surrounds a concrete fill.

### ***Conclusion***



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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Lofdahl whose telephone number is 703.605.1217. The examiner can normally be reached on m-f 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703.305.7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



jml



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